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Ultimate Fighting Championship and UFC
16

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 Cung Le, Nathan Quarry, Jon Fitch, Brandon
20 Vera, Luis Javier Vazquez, and Kyle Kingsbury,
on behalf of themselves and all others similarly
21 situated,

22 Plaintiffs,

23 v.

24 Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

25
26 Defendant
27
28

No.: 2:15-cv-01045-RFB-(PAL)

**DECLARATION OF NICHOLAS A.
WIDNELL IN SUPPORT OF
DEFENDANT ZUFFA, LLC'S
MOTION TO EXCLUDE THE
TESTIMONY OF DR. ANDREW
ZIMBALIST UNDER FED. R. EVID.
702 AND DAUBERT**

1 I, Nicholas A. Widnell, declare as follows:

2 1. I am a member in good standing of the bar of the District of Columbia. I am
3 admitted *pro hac vice* to practice before this Court. I am a Partner in the law firm Boies Schiller
4 Flexner LLP, counsel for Zuffa, LLC (“Zuffa”) in the above captioned action in the U.S. District
5 Court for the District of Nevada, *Le et al. v. Zuffa, LLC*, No. 2:15-cv-01045-RFP-PAL.

6 2. I make this declaration in support of Defendant Zuffa, LLC’s Motion to Exclude the
7 Testimony of Dr. Andrew Zimbalist under Fed. R. Evid. 702 And *Daubert*.

8 3. Based on my review of the files, records, and communications in this case, I have
9 personal knowledge of the facts set forth in this Declaration and, if called to testify, could and would
10 testify competently to those facts under oath.

11 4. Certain documents attached to this Declaration have had red boxes added to them.
12 These red boxes are intended to indicate materials cited in the Motion referenced above. The true
13 and correct copies of materials attached to this Declaration are subject to the addition of those red
14 boxes. They are otherwise unmodified unless otherwise stated.

15 5. Attached hereto as Exhibit 1 is a true and correct copy of the Expert Report of
16 Andrew Zimbalist dated August 30, 2017.

17 6. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of the first
18 deposition of Andrew Zimbalist dated September 25, 2017.

19 7. Attached hereto as Exhibit 3 is a true and correct copy of excerpts of Herbert
20 Hovenkamp, *Federal Antitrust Policy* (2nd ed. 1999).

21 8. Attached hereto as Exhibit 4 is a true and correct copy of the Errata to the Expert
22 Report of Andrew Zimbalist dated September 19, 2017.

23 9. Attached hereto as Exhibit 5 is a true and correct copy of the Expert Rebuttal Report
24 of Andrew Zimbalist dated December 26, 2017.

25 10. Attached hereto as Exhibit 6 is a true and correct copy of excerpts of Daniel
26 Rubinfeld, *Research Handbook on the Economics of Antitrust Law* dated November 21, 2009.

27 11. Attached hereto as Exhibit 7 is a true and correct copy of excerpts of Phillip Areeda,
28 Herbert Hovenkamp, Roger D. Blair, & Christine Plette Durrance, *Antitrust Law* (4th ed. 2014),

1 Volume IIA.

2 12. Attached hereto as Exhibit 8 is a true and correct copy of the Expert Report of Roger
3 D. Blair dated November 15, 2017.

4 13. Attached hereto as Exhibit 9 is a true and correct copy of excerpts of the second
5 deposition of Andrew Zimbalist dated January 26, 2018.

6 14. Attached hereto as Exhibit 10 is a true and correct copy of Andrew Zimbalist, *There's*
7 *more than meets the eye in determining players' salary shares*, Sports Business Journal, dated March
8 10, 2008.

9 15. Attached hereto as Exhibit 11 is a true and correct copy of GBP000003 (Golden Boy
10 Term Sheet) dated February 10, 2017.

11 16. Attached hereto as Exhibit 12 is a true and correct copy of GBP000001 (Golden Boy
12 Promotions Profit & Loss - 2015).

13 17. Attached hereto as Exhibit 13 is a true and correct copy of GBP000002 (Golden Boy
14 Promotions Profit & Loss - 2016).

15 18. Attached hereto as Exhibit 14 is a true and correct copy of Exhibit 3 to the Sbardellati
16 Declaration filed in support of Defendants' Motion in Limine to Exclude Testimony of Gene Deetz
17 in *Golden Boy Promotions LLC v. Haymon*, Case No. 15-cv-3378, ECF No. 322-14 (Jan. 6, 2017),
18 identified as backup to Table 2 in the Expert Report of Andrew Zimbalist and Table 2-E in the Errata
19 to the Expert Report of Andrew Zimbalist.

20
21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing facts are true and correct. Executed this 16th day of February, 2018 in Washington, D.C.

23
24 /s/ Nicholas A. Widnell

25 Nicholas A. Widnell